

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN DOE,)
)
Plaintiff,)
)
v.) CASE NO. 3:21-cv-00144-TWP-MPB
)
UNIVERSITY OF SOUTHERN INDIANA,))
)
Defendant.)

PLAINTIFF’S DOCKETING STATEMENT

Comes now the Plaintiff, John Doe, by counsel, and respectfully submits this Docketing Statement pursuant to Seventh Circuit Rules 3(c)(1) and 28(a).

I. District Court Jurisdiction

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant University of Southern Indiana (“USI”), filed its Notice of Removal of this action from the Vanderburgh County, Indiana, Circuit Court. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 based on the existence of a federal question under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*

II. Appellate Court Jurisdiction

This is an appeal from the denial of a motion for preliminary injunction entered on the docket of the United States District Court for the Southern District of Indiana on May 10, 2022. [ECF 133]. No motion for new trial or alteration of judgment or other motion tolling the time within which to appeal has been filed. Plaintiff filed his Notice of Appeal on May 17, 2022. Thus, the United States Court of Appeals for the Seventh Circuit has appellate jurisdiction

pursuant to 28 USC § 1292(a)(1). This appeal is timely under Federal Rule of Appellate Procedure 4(a)(1)(A).

III. Prior or Related Appellate Proceedings

There have been no prior or related appellate proceedings in this case.

Respectfully submitted,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

By: /s/ Robert L. Burkart

Robert L. Burkart, 16664-82
Keith W. Vonderahe, 21908-82
Matthew S. Koressel, 35276-49
Kristen E. Hahn, 36843-82
20 NW First Street, Ninth Floor
P.O. Box 916
Evansville, Indiana 47706-0916
Phone: (812) 424-7575
Fax: (812) 421-5089
rburkart@zsws.com
kvonderahe@zsws.com
mkoressel@zsws.com
khahn@zsws.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on May 17, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

William P. Kealey, Esq.
wpk@stuartlaw.com

Joseph H. Harrison III, Esq.
jhh@stuartlaw.com

/s/ Robert L. Burkart
Robert L. Burkart